

**Senate Bill No. 1286**

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Passed the Senate June 1, 2006

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*Secretary of the Senate*

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Passed the Assembly August 24, 2006

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1286, Ducheny. Binational air pollution.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would, upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California, and the City of Mexicali that establishes a binational council to address air quality issues in the binational air basin that encompasses Imperial County and the City of Mexicali, Baja California, specify part of the membership of the California delegation to the binational council. The bill would require the meetings of the California delegation to be subject to the Ralph M. Brown Act. The bill would require the binational council to perform specified functions, including, but not limited to, identifying and recommending to the state and local governments of both California and Baja California strategies and actions that could be taken to improve air quality within the air basin. The bill would also require the binational council to establish certain basinwide goals.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 9 (commencing with Section 39950) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 9. BINATIONAL AIR POLLUTION

39950. (a) Upon the execution of a memorandum of understanding between any state agency, the County of Imperial, the State of Baja California, and the City of Mexicali that establishes a binational council to address air quality issues in the binational air basin that encompasses Imperial County, California, and the City of Mexicali, Baja California, all of the following shall apply:

(1) The membership of the California delegation shall include, but not necessarily be limited to, the following:

(A) The chairperson of the state board.

(B) The Imperial County Director of Public Health Services.

(C) The Imperial County Air Pollution Control Officer.

(D) One member of the Imperial County Board of Supervisors, as designated by the board.

(E) Two public members appointed by the Imperial County Board of Supervisors.

(F) The President of the Imperial Irrigation District Board of Directors or his or her designee.

(2) The chairperson of the state board shall serve as the chair of the California delegation to the binational council.

(3) The Secretary for Environmental Protection and the Secretary for the United States Environmental Protection Agency shall be invited to participate as nonvoting, ex officio members of the council.

(4) The meetings of the California delegation shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(5) In the event that the number of state or local representatives from Baja California should exceed the number of state and local representatives from California described in paragraph (1), the Secretary for Environmental Protection shall appoint additional members to the California delegation in a manner that provides jurisdictionally equivalent representation to that of the Baja California delegation.

(6) The California delegation shall always include, in addition to any local representatives, at least one state representative from

California, and the binational council shall not meet without at least one state representative from California being present.

(b) In case of conflict between this chapter and the memorandum of understanding, the provisions of this chapter shall apply.

39951. (a) The binational council may sponsor conferences, symposiums, and other public forums, to seek a broad range of public advice when establishing priorities for improving air quality within the binational air basin.

(b) The council shall do all of the following:

(1) Assist in the coordination of activities by state and local agencies on both sides of the border between California and Mexico, relating to the protection and regulation of air quality.

(2) Establish policies to coordinate the collection and sharing of scientific data related to air pollution and air quality protection measures.

(3) Identify and recommend to the state and local governments of both California and Baja California changes in law needed to achieve the goals of this chapter.

(4) Identify and recommend to the state and local governments of both California and Baja California strategies and actions that could be taken to improve air quality within the binational air basin.

(5) Identify changes in federal law and policy of both the United States and Mexico that are necessary to achieve the goals of this chapter and to improve air quality within the binational air basin.

39952. The binational council shall, pursuant to specific processes established in the memorandum of understanding that establishes the binational council, establish basinwide goals to assist the state and local governments to do all of the following:

(a) Achieve ambient air quality standards for the binational air basin.

(b) Monitor ambient air pollutant concentrations in the binational air basin.

(c) Develop and maintain a valid emissions inventory for the binational air basin, updated and disaggregated as practicable.

(d) Conduct basinwide air quality modeling to identify appropriate control strategies for attainment of ambient air quality standards.

(e) Monitor the health of residents to track the incidence of health problems within the binational air basin.

(f) Establish instruments to promote and achieve emissions reductions.

(g) Promote partnerships between and among industry and regulatory authorities on both sides of the border to pursue economic incentives according to each country's laws.

(h) Investigate opportunities for pursuing, and seek authorization from respective state and federal governments to pursue, strategies that facilitate the achievement of environmental and public health goals.





Approved \_\_\_\_\_, 2006

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*Governor*